

QUID NOVI

McGill University, Faculty of Law
Volume 26, no. 18, 14 March 2006

MEMBER OF THE BAR...
(YOU KNOW, THAT ONE ON
RACHEL ST., WHERE YOU CAN GET
A PITCHER FOR \$4 AND PLAY
FOOSBALL?)

MARRIED...
TO A FORMER LAW SCHOOL
CLASSMATE...
WITH KIDS...
THREE OF 'EM...
WEARING AN APRON...
BAKING PIE ALL DAY...

STILL IN SCHOOL
A) PURSUING ANOTHER DEGREE
and/or
B) AS A LAW PROFESSOR

ENSLAVED BY
SUPERINTELLIGENT APES WHO
TOOK OVER THE EARTH AFTER
ESCAPING FROM RESEARCH
FACILITIES

INSTRUCTIONS INSIDE

QUID NOVI

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Contributions should preferably be submitted as a .doc attachment.

EDITORIAL

The U.S. State Department issued a report criticizing human rights abuses in China, North Korea, Iran, and Cuba. It also criticized the rights records of Jordan and Egypt, two countries where the United States has sent detainees to be interrogated. The report noted that the United States' "own journey towards liberty and justice for all has been long and difficult," and is "far from complete."

U.S. Treasury Secretary John Snow warned Congress that the United States was about to exceed its debt limit of \$8.2 trillion, and a five-year study into alternative methods of managing hog waste produced no feasible alternative to the current practice of filling massive lagoons with excrement.

In rural Nepal fathers were being paid in piglets if they agreed not to sell their daughters into servitude, and a farmer in Germany said that he got the idea of feeding a friend's corpse to pigs from a lecture about Buddhism. The Sheaf, a University of Saskatchewan campus newspaper, was criticized for publishing a cartoon showing Jesus Christ fellating a talking pig, and the House voted to renew the Patriot Act.

-- From *Harper's Week in Review*

Class Action Fund Update

by Jason MacLean (Law III)

No, I'm not talking about class action law suits, however interesting a class action project that might be -- I believe it was Sylvia Boss that once suggested in these pages that, if she were Dean, she would launch a class action against Microsoft (the grounds elude me, but grounds I am sure there are).

No, I am talking about this year's Class Action Fund. This is a new tradition at McGill Law, one that is in its second year. The basic idea is that the members of each graduating class can contribute funds earmarked to a specific project. Last year, the project chosen was the course offered last semester on Law & Poverty, a course that generated several fascinating student presentations that were subsequently turned into articles that appeared in these pages. Overall, the project was a great initiative, bringing much needed attention to an oft neglected area of study and concern.

Along with my Class Action Fund co-chair, Always-on-the-Case Leggett, we solicited your feedback and chose to develop an idea the inspiration for

which must be credited to Joshua Parr.

The idea is this: use the funds to create a liaison position to be filled each year by an industrious, resourceful student (a determination to be made without any consideration of grades) in financial need to work alongside the CPO office to establish and maintain a kind of **parallel annual recruitment process for public interest law careers**. The idea, then, is to go beyond the very valuable public interest law careers day to formalize a process whereby students have the information, the contacts, and the administrative support to apply for public interest law jobs in firms, NGOs, and other organizations that would like to hire law students but which cannot afford to send recruiters to campus.

Why? For one, corporate recruiting is too easy. Some would put it more pointedly by saying there is too much pressure to apply to corporate firms, who roll out the red carpet for students before students have a chance to consider other

options. What the Faculty needs, then, is an alternative recruitment process, one just as formalized and just as valid a career course. By creating such a mechanism, we think we can make a modest improvement to students' experience in the Faculty by creating more career (and thus more educational) options.

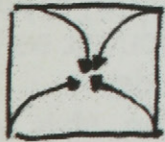
Mental health and quality of life issues have been raised repeatedly throughout our time at McGill Law. By creating and supporting through modest financial contributions a recruitment process that makes it easier -- and just as acceptable -- to pursue the kinds of legal careers that students envisage in their personal statements to the Faculty, we feel we can make a positive contribution to the Faculty and help leave it a little better than we found it.

If you are interested in more details, please do not hesitate to contact Casey or me. And for those of you planning to attend the Grad Ball next month, we'll be there to give a little speech about the project. We hope you will choose to support it.


THE MAGICAL PUPPET OF WISDOM

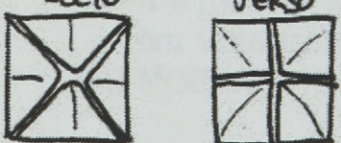
1. CUT OUT THE SQUARE.

2. TURN IT OVER.

3.  FOLD THE FOUR CORNERS TO THE CENTER.

4. TURN IT OVER.

5.  FOLD THE FOUR CORNERS TO THE CENTER.

6.  RECTO VERSO
OPEN THE FLAPS (VERSO).



7. WHEN YOU'RE READY TO KNOW WHAT THE FUTURE HAS IN STORE FOR YOU, ASK THE MAGICAL PUPPET OF WISDOM WHERE YOU'LL BE IN **10 YEARS** AND PULL OUT ONE FLAP...



QUATRES TABLEAUX

par Marguerite Tinawi (Law I)

PREMIER TABLEAU

"And now teachers, it's your turn to dance! Grab one of your kids, come up here in front and I'll teach you how to dance salsssa!!!"

Ciel! C'est une blague n'est-ce pas? La gonzesse vient pas de nous demander d'aller danser en avant?!? Mais non, tu rêves Marguerite...

« Come on teachers!!! I want you all in front!!! »

Quoi? Les profs y vont??? Ils sont malades ou quoi? Putain, M. R* est déjà en train de se déhancher! Moi aussi, je vais devoir aller me dandiner avec une quinzaine de profs devant 300 élèves? Quelqu'un, dites-moi que c'est une blague!

« Now don't be shy!!! I'll show you the steps, 1-2-3, 1-2-3 »

Ho, du calme la belle! Si tu penses que je suis ici pour te faire plaisir... Tu sauras que moi, si j'suis ici, c'est pour enseigner. Pour enseigner le passé composé à une bande de 5ème et 6ème années, plus exactement. Pas pour me retrouver à danser devant toute l'école! Alors lâche la patate deux minutes!

« Excellent! Now let's have some muuuuuuuu-sic! »

C'est ça, rajoute de la musique! Moi pendant ce temps là, je vais t'expliquer le passé composé. Facile, c'est comme si tu concoctais une potion : tu prends un auxiliaire, être ou avoir, tu le conjugues au présent et tu lui colles un participe passé au derrière. Exemple : j'ai parlé. Pas sorcier, tu vois!

Mais non, tu vois pas, t'es trop occupée à rouler tes hanches sensuellement devant des gamins de 5 à 12 ans. Ouais, parce que pour des gamins de cet âge-là, c'est vachement important d'apprendre à se déhancher. Regarde-les en arrière... Tu penses qu'ils se déhanchent les 6ème année? Mais non, ils ricanent! J'en vois même trois qui se lancent des projectiles. Faites, faites mes bons enfants, vos profs s'en foutent, ils dansent! Quand le chat danse, les souris se battent! Yé!

« WONDERFUL!!! Now kids, we're going to learn a new word!!! Repeat after me: BOM-BA! BOM-BA! BOM-BA! »

Parce que maintenant, tu donnes des leçons de vocabulaire! « Bomba », un mot indispensable au vocabulaire de l'élève parfait. Parents! Pour la modique somme de 29,99\$ achetez le guide « Vocabulaire » aux éditions Ducon. Un merveilleux recueil de trois feuilles et demie qui vous

débarrassera enfin de ce sale gros Robert! OUI à la bomba, NON aux mots bâtards comme « auxiliaire »!

« And now repeat after me : Te-qui-la! Te-qui-la! Te-qui-la! »

Ah non mais là, tu pètes un câble ma grande... Tu sais où on est? Dans une école primaire! Yes, madame : une école PRIMAIRE. Primaire, comme dans premier, comme dans premières années, comme dans enfance, comme dans innocence. Ils ont cinq ans les bouts de chou et ils répètent déjà à tue-tête « Tequila »?! D'accord, ils ne comprennent pas, mais s'ils allaient régurgiter tout le baratin à leurs parents ce soir?

-Tu sais ce qu'on a appris aujourd'hui à l'école maman? Bomba, bomba, tequila!!!

-Merveilleux mon trésor! Enfin une école primaire qui voit loin... jusqu'aux pré-requis des facultés de management...

« Stand up kids! Let's all dance! »

C'est ça, on va tous danser ensemble. Profs, élèves, secrétaire, concierge, parents, directrice... Le gymnase entier n'est qu'une grande piste de danse. L'école n'est qu'une grande fête! Vive l'école!

DEUXIÈME TABLEAU

Le 27 février dernier, une école primaire du West Island soulignait, à sa façon, la fin du Mois de l'histoire des Noirs. Ce jour-là, je remplaçais dans une classe de 5ème et 6ème années. Au programme de la journée : des maths, du français (le fameux passé composé) et une assemblée générale.

Les parents avaient versé 2\$ pour que leur enfant participe à une activité d'« African drums »; activité qui s'est plutôt avérée être un show de danse et de musique latino, mais passons, c'est l'esprit qui compte. D'ailleurs, l'esprit était là. Du moins, au début du show.

Le meneur du groupe a commencé par nous présenter ses différents djembés, leurs différents sons et utilisations. Puis il a attiré notre attention sur ce qui ressemblait à une grande boîte en bois. D'où vient cet instrument inusité? Eh bien, après la révolte de 1739 en Caroline du sud, les Blancs avaient interdit aux esclaves de « tambouriner », puisque le tambour pouvait servir d'instrument de communication. Mais les esclaves savaient interpréter les lois : si les tambours « à peau » étaient interdits, rien n'indiquait que les boîtes en bois l'étaient également. Pas bête! La leçon d'histoire est agrémentée de démonstrations ►

rythmiques d'une complexité grandissante. Dans un moment d'apothéose, notre meneur bat cinq rythmes différents sur autant d'instruments. En même temps. Les enfants sont ébahis, la remplaçante aussi. Tout est parfait.

Avait-on vraiment besoin du reste? De la danse lascive, de la démonstration de salsa, de l'euphorie généralisée?

TROISIÈME TABLEAU

Multiculturalisme, ouverture, tolérance... Où sont tes valeurs canadiennes Marguerite? Pourquoi tu discrimines contre la salsa? T'aimes pas les latinos, hein, c'est ça? Raciste, va! Tu

trouves ça choquant, une jolie madame qui secoue ses seins devant des gamins? Frustrée, va! Tu trouves ça aberrant, des profs qui font les fous devant leurs élèves? Vieux jeu, va! En fait, toi, t'es une adepte de l'ordre! L'ordre dans la classe, l'ordre dans le gymnase, l'ordre dans la langue, l'ordre partout! Control freak! Yuck!

Comment vous dire? Le Catctus et le Dahomé ont déjà vu meilleure danseuse de salsa que moi. Certes. Mais ils m'ont certainement vue m'y déchaîner et y prendre incroyablement de plaisir. Le problème, c'est pas la salsa. Ni de vouloir faire les fous. Il faut faire les fous pour ne pas virer fou!

Non le problème, est ailleurs. Le problème, c'est une question de contexte. Quelque chose me dit qu'il y a un temps pour faire les fous et qu'il y a un temps pour être sérieux. Si on apprend à danser la salsa à l'école primaire, où c'est qu'on les apprendra nos foutus verbes? Pas à la Salsathèque toujours...

Et puis je me demande sincèrement ce que ça fait dans la tête d'un enfant de 6 ou même de 12 ans de voir une femme danser de façon très suggestive pour un mec? Je dois ici préciser qu'avant la démonstration de salsa, la danseuse a exécuté un solo, mélange de salsa, de danse du ventre, de danse moderne et d'improvisation. La danseuse maîtrisait

impeccablement son art, pas de doute. Je l'aurais simplement mieux vue dans un club que dans une école primaire...

QUATRIÈME TABLEAU

Il m'arrive d'être polie. Et très reconnaissante.

Et lorsque ça m'arrive, ça ressemble à un GRAND MERCI à l'anonyme Quid Staffer qui m'a regalée de deux magnifiques poèmes il y a quelques semaines. Je les ai dévorés... et j'ai encore faim! ■

McGill On-Line Course Evaluations

On Minerva from March 16th to April 3rd

Let your professors know what you think. Let them know what you like or dislike, what works or what doesn't.

[This message has been brought to you by your LSA VP Academic]

SOME OBSERVATIONS FROM LE NOUVEAU BARREAU

by Todd Henderson (Alumnus 1 ½)

Is anyone planning to write the Québec Bar? As many of you probably already know, the Barreau decided to change its approach to la formation professionnelle. I was among the first group of university graduates to experience the new system. While I would hesitate to qualify what follows as 'tips', I believe that my observations might, hopefully, be at least somewhat helpful.

FOUR MONTHS OR EIGHT MONTHS:

There is an obligatory évaluation de compétence. Based on your result, the Barreau will recommend that you take the four-month preparatory course before the formation professionnelle. Despite the recommendation from the Barreau to take the prep course, being as cocky as I am I opted for big bar without the prep courses. Irresponsible? Maybe. But like I always say, always treat a gun as if it's unloaded.

BARCEAU: ES-TU PRÊT(E)?

I can't speak to the content or value of the prep courses, since I didn't take them. Having done the formation professionnelle, I think that having worked 12 months full-time in a law office that specializes in civil litigation saved my ass. Given that a good amount of time is spent on obligations, procedure and evidence, the fact that I was

already very familiar with these areas of law from a practice-perspective made certain parts of the Barreau that much easier. McGill Law is an excellent intellectual experience, but it seems that what McGill Law finds interesting, and what the Barreau finds interesting, diverge considerably. This even applies to ostensibly practice-oriented course such as evidence - for example, the Barreau, in its infinite wisdom, doesn't care the least bit whether judges should be taking judicial notice of international law. It does care, however, whether or not a litigant can testify to the content of a private writing such as a contract. Keep this in mind in considering whether you 'know' the law.

THE DAY TO DAY OF THE BARREAU EXPERIENCE

The course content is divided up on a detailed day-to-day format. Except for days dedicated to drafting, pleading or negotiating, every class will involve going through a series of files involving a series of questions. Although this means you will be rather busy preparing and in class, it's nice to know exactly what's going to happen every day, as opposed to simply reading a bunch of Supreme Court cases the night before, not really knowing why they could ever possibly be relevant.

Generally speaking, classes having more or less the same theme will occur over several consecutive days, but some topics (organizing and running a corporation, civil evidence and procedure, contractual obligations) are spread over the four months. Like a recurring nightmare...

I found that the best way to approach each day was to answer every question from every file the day before class. On some days, it might only take two hours or so to prepare, while on other days it took me six or seven hours to get through the lot.

Although the daily instructions indicated that only certain files were to be completed the night before, usually the instructors passed over everything so quickly that the only way to know what was going on in class was to have prepared it all the day before. Remember, the Barreau only has four months to teach you everything that it deems important. We covered the CCQ Book of Hypothecs and Publication in two days, versus the roughly two months (transsystemic, remember?) allocated to Secured Transactions. At the very least, on some days I read the files and questions for which I didn't have time to answer all the questions through a couple of times so as to know what we would be

talking about in class.

When I say "prepare", I don't mean that you should be reading the Collection de Droit (the infamous bar books that collect donut dust at the legal clinic), although the Barreau will list a volume of the Collection de Droit as required daily reading. The bar books - and this comes from one of the Barreau brass - are to be used as references. No one (I hope) has ever read Les Obligations cover-to-cover. The same goes for the bar books. Obviously, if you aren't very familiar with a particular area of law (as was the case for me for family law, successions, administrative law and criminal), you crack the book and you learn it as best you can. For areas with which I had more familiarity (evidence, procedure, obligations, corporate), I read the relevant CCQ/CCP/CBCA/QCA articles, and referred to the Collection de Droit only when necessary.

You probably should go to class. Every day. The instructors are practicing attorneys. As teachers, most are good. Some are excellent. If you're not satisfied, ask around if there's a better instructor - most didn't mind if we switched classes, and some were flattered that students switched into their class. As for instructors whose class numbers dwindled, the common rhetorical question was ►

"est-ce que tout le monde est malade cette semaine?" Plus, the instructors are the key to knowing what's really going on inside the head of the Bar brass.

BARREAU EXAMS AND THEIR PARTICULARITY

It's not because I'm all into S&M (the subject of my next Quid Novi article) that I think preparing every class the day before is a good idea. Rather, it's because Bar Exams, for the most part, focus precisely on what was covered in class. In reality, the hard part isn't knowing what's going to be on the exam, but how to properly understand a Barreau exam question, and how to answer it.

I'll try to explain. Think about a typical McGill Law exam-type question. After listing a bunch of facts, the question might read,

"You represent Party X. Analyse Party X's position in law. Where necessary, make explicit any assumptions. Indicate, where appropriate, any additional information that you may require in order

to complete your analysis."

I think one of the reasons that the Barreau seems like it's constantly throwing us knuckle balls is because its approach to questions of law is quite different from the screwed up, incomplete fact situations that we're used to. Everything underlined in the above McGill Law exam question is COMPLETELY IRRELEVANT to a Barreau exam. The Barreau questions as written require NO assumptions and NO reading into the facts. It's really quite idealist - perfect knowledge. If there really was perfect knowledge, there would be hardly any disputes and a lot of lawyers would have nothing to do except getting on with more important matters, like watching reruns of Alf. The point is this: WHEN READING A BAR EXAM DO NOT READ ANYTHING INTO THE FACTS. If you find yourself thinking that the question $1+2=?$ should really be qualified as 1.89 with respect to '2', given post-modernist approaches to....STOP! The Barreau's question never asked you to do any independent thinking. So don't.

How do I know this? While drafting every exam, the Barreau puts together a corrigé d'examen. This means that they know exactly what they're looking for in each answer. How do I know that there's a corrigé d'examen? I consulted all of my exams after receiving my grades, to which was always attached a correction sheet. Consult your exams, even those for which you drop the hammer from the top rope, or, if you're ALF, you eat the cat. If need be, ask to see one of the Barreau brass to discuss your test. This will, I think, help you to understand what the Barreau has in mind when it asks a question, if you don't already.

EXAM PREPARATION

The only material you get to bring into the exams are unannotated legislative texts. No Collection de Droit and no summaries (sorry Pubdocs and everyone who class-shops based on whether there's a killer summary out there). What does this mean? It means the best way to study for a bar exam is to go through the files covered in class, but more importantly, READ THE LAW. Yes, before

the test on corporations law read the Canadian Business Corporations Act, all 268 sections. Boring as all hell, I agree, but really the only way to properly prepare.

FINAL COMMENTS

While at McGill Law I was always impressed by the seemingly infinite ability of almost everyone to bitch and complain about everything to seemingly no end. "Jesus H. Christ, what a bunch of over-privileged, spoiled-ass stinking brats" was what one logger-friend from northern British Columbia once said to me after sitting in on a typical bitch-session, right before some law firm dutifully paid for our drinks, again. Despite McGill Law student's A-1 ability to bitch, our friends from Université de Montréal, and even the ubiquitous UQAM, can throw down some SERIOUS bitching. Depending on your disposition, you might want to either (a) join in, or (b) get the hell out of there. I opted for the latter, I didn't need the negative vibes. Remember, negativity will get you nowhere fast. ■

Got a beef with the library?

Let's deal with it.

This year SSMU will donate \$500 000 to McGill Libraries through the Library Improvement Fund. We want to know where you think it should be spent.

Email: lif@ssmu.mcgill.ca

KAFKA'S THE TRIAL COMES TO MCGILL

par Sonia Singh (Law II)

"Someone must have slandered Joseph K., for without having done anything wrong he was arrested one fine morning."
- Kafka

"For seventeen months, I have shouted to the four winds, to all who would hear, that I am innocent of all the charges."

- Adil Charkaoui

On Thursday, March 16th at 4:15pm at the Moot Court, Equity Access presents a staged reading of Trial. A Teesri Duniya (meaning "third world" in Hindi) production in collaboration with the Coalition for Justice for Adil Charkaoui, Trial is an adaptation of Kafka's book, written by Matthew Behrens and Laurel Smith. It weaves the personal stories of five Muslim men arbitrarily detained under Canada's controversial Security Certificate scheme into Kafka's novel, The Trial.

For those of you who are not familiar with Security Certificates (although I imagine most of you are), a Security Certificate is co-signed by the Minister of Public Safety and Emergency Preparedness Canada (PSEPC) and the Minister of Citizenship and Immigration Canada (CIC) when a permanent resident

or foreign national is suspected of "subversion or espionage, violating human or international rights, terrorism, serious criminality or organized criminality."
(source: Canada Border Services Agency)

Once a Security Certificate is issued, the person named is detained and may be deported. Although a judicial review of this decision is allowed, the judge can only decide whether it is possible that the allegations are true: whether the Minister had "reasonable grounds" to sign the certificate. At trial, the judge may choose to reveal nothing about the evidence or the charges to the accused or his lawyer if he feels it may jeopardize "national security". Does this make anyone else want to scream s.7?

As Canadians, we like to pat ourselves on the back about our record in peace-keeping and human rights. So much so that most of us are not even aware of Charter violations happening in our backyard. What most Canadians don't know is that, in Canada today, five men - Hassan Almrei, Mohammad Mahjoub, Mahmoud Jaballah, Mohamed Harkat and Adil Charkaoui - have been imprisoned without charges under the authority of a Security Certificate. This is why I think productions like Trial are so important. Trial

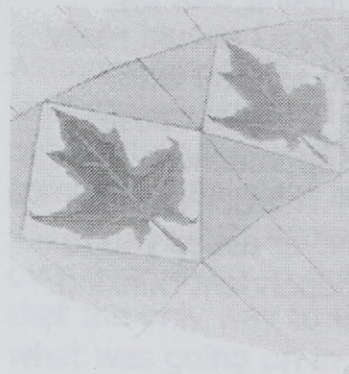
is definitely worth seeing and definitely worth bringing friends who may not be aware of what's going on.

I went to see the production of Trial at Concordia earlier this year. Even though I was familiar with Security Certificates, the performance still shocked me. In particular, I was taken by the personal nature of the stories and their striking parallel to Kafka's tale of arbitrary detention. Charkaoui, currently on conditional release, performs in the play and gives a face and

personality to those trapped by Security Certificates. He sports an electronic tracking device that he must wear at all times.

As the play unfolds we learn about the lives of each of the men detained but never learn the reason. When watching the production, you can't help but ask yourself "Why?" A question I'm sure Charkaoui has asked many times. ■

University of Ottawa



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THE SUNSHINE ARTICLE

by Alison Glaser (Law I)

What do I want to be in 10 years? This is what the Quid has asked us to write about this week, so I figure I can rise to the challenge. After 10 articles I think you all have a bit of an idea of my personality, so it shouldn't be too surprising that I have this slightly anal tendency to try to come up with five year plans for my life. These plans change pretty often but they are generally always there, buzzing around my brain along with shopping lists, friends' birth dates, my weekend plans and sometimes school work. Here are some of the issues that I have thought about:

Location, Location, Location: I would really like to stay in Montreal. I have lived abroad, seen many cities, and there is no other like Montreal. I find the size just right (not too big like London, not too small like Trois-Pistoles). I can go to a store and have them recognize me, but can also go out and not meet anyone I went to school with. Besides that, there are the festivals, the lower housing costs, the bilingualism, and the general joie de vivre. Oh, and apparently we have super good restaurants (see Gourmet magazine this month which profiles Montreal. But don't read it when you are hungry).

Babies: my parents have been on this massive campaign about how it is much easier to have babies

when in law school as opposed to once you have started working. They blatantly ignore my protests (let's talk about a little thing called maternity leave compensation; I just got married and want to enjoy it before being a baby factory; you have a 14 year old son, concentrate on him rather than grandchildren!) and keep dropping hints. Sigh. Parents: can't live with them, would not be alive without them. Meanwhile, I actually do want kids, and they have a point. I'm not sure if I want to wait until my mid to late 30s to start having children, and if I start working in a firm (which is in no way guaranteed, see below) it would be kind of rude to work for a year and then leave. What to do?

Sophistication: while living in London, I developed a bit of a taste for the sophisticated life style. We went to the theatre, restaurants, museums - it was great! So basically, I would like to be working and living somewhere that would allow me to continue life in the style I've become accustomed to.

The "J" word: and herein lies the paragraph that is actually the point of this soliloquy. What job do I want? Well, if you'd have asked me earlier in the week, I might have said something like: "I'm not really sure, but I find the times in ECO when we talk about medical stuff to be

interesting, especially since I have a background in psychology and my mom is a doctor, so I might explore that area a bit more." However, on Tuesday I attended the "Our Faculty Our Community" session about career paths and so on, and now I am singing a different tune. We heard from 4 semi-recent McGill grads doing very different work (one works a corporate firm job, one works in a very small criminal defence firm, one is a sole practitioner and one is an in-house lawyer). The session was, to say the least, illuminating. All four brought up different pros and cons about what they chose to do. All four emphasized that our options are far bigger than we think, especially if we are willing to do a little bit of leg work ourselves - that is, don't only look to firms that try to recruit us, but rather go seek out what we want ourselves. Most interestingly (for me at least) all four emphasized that where they had ended up was NOT what they had originally planned on, or even something they had considered earlier in their law-school career. They also all emphasized how school should be seen as a process, not just a means to an end, especially because that end may not be what you think it will be. I was inspired, it really made me think about options and not worrying about having to decide RIGHT NOW what I want to do with my life. I hope that this kind of event will take place again, and maybe more people will go since I think it will be

extremely beneficial to all of us.

So, what do I want to be in ten years? I don't know. And I'm starting to be ok with that. ■

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THE 50TH SESSION OF THE UN COMMISSION ON THE STATUS OF WOMEN

by Lisa Schneiderman (Law III)

This year a total of 18 students from Law I, II, III and IV attended the Commission on the Status of Women (CSW) at the United Nations (UN) headquarters in New York. Although each of our experiences is unique, it seems as though the CSW made a deep impression on all of us. Whether it be positive or negative, based on substantive gender issues or domestic, global or UN dynamics, we seemed to leave the CSW each night still absorbing and intensely discussing the day's events.

As you read below and will continue to hear from the Women's Caucus in the following weeks, the CSW was an incredible opportunity to learn more about gender issues, Canadian and world politics, and very importantly, our fellow law colleagues - who amaze me with their knowledge, passion and life experiences while being fun, real and loving people.

On March 14th, the McGill Law Women's Caucus will present "Short Stories from the UN: A feedback session on our experiences at the 50th Session of the UN Commission on the Status of Women" (we will be sending out an email with the exact time and location). In addition, on March 16th, the Women's Caucus and the Aboriginal Law Association

are co-sponsoring a talk by Anita Harper from the Native Women's Association of Canada. She will be speaking about the Sisters in Spirit Campaign and the Stolen Sisters Campaigns - whereby the Native Women's Association of Canada and Amnesty International raised awareness and sought to address the problem of violence against Aboriginal women and girls. She will also discuss how culturally respective partnerships can be built between Aboriginal and non-Aboriginal women's groups, and the role that lawyers can play in these activities. The talk will take place in room ASL 106 (3661 Peel St.) from 1-2pm. For the March 16th event, please RSVP to Natasha Himer at natasha.himer@mail.mcgill.ca. We hope you can join us for both events.

On behalf of those who attended the CSW, I'd like to thank everyone who played a role in organizing this trip, especially Natasha Himer, Liane Curtis, Ewa Krajewska and Genevieve Painter whose efforts began early in the fall semester. We would also like to thank the LSA, the Dean's Discretionary Fund, The McGill Alumni Association and the Principal's Office for funding and financial support. And finally, the NGOs, whose partnership enabled us to attend and whose

representatives at the CSW included us in the CSW process and shared with us their fantastic wealth of knowledge in this area. In particular, we would like to extend a special thank you to Voice of Women (Canada), The Canadian Federation of University Women, Womankind, The Canadian Human Rights Foundation and The National Council of Women.

MARIYA AZBEL (LAW II)

My experience at the 50th session of the CSW was amazing, interesting, informative and refreshing. Due to my interest in international relations and public international law, going to UN was a HUGE event in itself. You feel the atmosphere right away, in the first couple of hours: lots of women from over 40 countries, speaking different languages, so different and yet so similar, united by the same problems and ideas. Then you can also take a UN tour and see for example where the Security Council and General Assembly actually have their meetings. Further, you can choose between attending the governmental sessions at the UN building or select to attend one of the numerous NGO sessions and workshops held at the Church Center just across the street. If you

are interested in the issues concerning a particular country, there are plenty of possibilities to talk to that country's representatives. For example, I had a chance to meet both the Ukrainian governmental delegation and people representing numerous Ukrainian NGOs that I had not even heard of before. In conclusion, whatever your motivation is, whatever you expect from attending the CSW you will get way more: information, experience, energy, new ideas about the law and realities of its operation with respect to women's issues around the world, as well as new ideas about your own potential in pursuing an international career. But in fact, do not take my word for granted, go next year and experience it yourself - you will definitely not regret it!

NATALIE DROLET (LAW I)

Attending the CSW with the Women's Caucus afforded a number of ways to plunge into the frenzy around the CSW. There is something for every taste. If your cup of tea is the UN process, then you may observe government negotiations. If lobbying is your thing, then NGOs may invite you to actively participate in lobbying meetings with the Canadian delegation, and if NGO ▶

work on women's issues interests you, the many parallel NGO events afforded much insight into the diverse concerns of women around the globe.

It is the latter I will focus on for this piece. Each day of the CSW, a calendar of parallel events organized by UN Missions, UN Entities, Inter-Governmental Organizations and Non-Governmental Organizations is produced. Through attending a handful of NGO panels and workshops on issues relating to the international migration of women, a major theme of the CSW, I was reminded that the women's movement is by no means homogeneous. For example, I was particularly struck by the assertion of panelists that 'prostitution is violence against women' in a workshop I attended entitled "Decision-making and Sexuality: Challenging Patriarchal Constructions" presented by the abolitionist group Coalition Against Trafficking in Women. While this opinion represents one side of the coin, the workshop did not address the other side, namely the global fight for sex workers' rights. Although I found it frustrating that the NGO panels could only scratch the surface of the issues, largely due to time constraints, they still left me grappling with a number of complex issues.

The parallel events can be seen to mirror the NGO process itself in the sense that consensus on issues is sometimes impossible to achieve. I don't think this is necessarily a negative thing, as the important thing is to have the dialogue. The CSW creates a unique opportunity for women from across the globe to come together to

share their experiences, ideas, and strategies. I think that more dialogue and the inclusion of more women's voices are needed at future CSWs. For example, markedly absent from any events at the CSW were any issues relating to queer women. This may be linked to the Economic and Social Council's (ECOSOC) January 23rd, 2006 move to not grant two international queer NGOs, namely the International Lesbian and Gay Association (ILGA) and the Danish Association of Gays and Lesbians (LBL), consultative status with the United Nations. Interestingly, the countries that voted in favor of dismissing the applications of the ILGA and the LBL were Cameroon, China, Cuba, Iran, Pakistan, the Russian Federation, Senegal, Sudan and the United States of America. Countries that voted against dismissing the applications were Chile, France, Germany, Peru and Romania, while countries that abstained were Colombia, India, and Turkey. Regardless of whether there is a link between this recent vote and the absence of queer women's issues and queer NGOs at this year's CSW, the CSW should include queer women's issues, as it adds a new layer of complexity to women's identities. A woman, for example, experiences homophobia differently than a gay man, because of her identity as a woman, and her sexuality could be seen to transgress her gender role. I would argue that future CSWs must address this issue in order that as many women's voices as possible, including the intersection of gender with race, sexual orientation, etc., are included in the mix.

OLGA PUIGDEMONT SOLA (LAW I)

Making links between our learning at the faculty and learning away from it is crucial in our education as lawyers. As much as courses per se grant the grades on the transcript, law school is a lot more than attending class and writing summaries. Courses provide a lens through which we look at the world outside the Faculty's walls; experience molds that lens. Every year, the Faculty's Women's Caucus sponsors students to witness firsthand the United Nations (UN) Annual Meeting of the Commission on the Status of Women (CSW). McGill law students are given the unique opportunity to discover and actively participate in lobbying in the United Nations. This is done through the generosity of Canadian non-governmental organizations (NGOs) which allow McGill law students to get accreditation into the Conference through their organizations.

But first things first, let me give you a broad (very broad!) historical overview of the CSW and the Women's Movement within the context of UN lobbying. The CSW, created in 1947, is formed by 45 delegates, each from different UN member countries. The CSW meets 10 days annually and reports back to the Economic and Social Council (ECOSOC) of the UN. The Commission's mandate is to create global policies and norms that will advance gender equality. The first two decades of the Commission served as groundwork for the inclusion of non-discrimination in both the International Covenant on

Civil and Political Rights and the International Covenant on Economic, Social and Political Rights. Both covenants were adopted in 1966 but only entered into force in 1976. The existence of these covenants was a great first step towards equality but there were no enforcement mechanisms to secure compliance by signatory parties.

The Women's Movement made a break through when the UN declared the year 1975 International Women's Year. The year included the first World Conference on Women in Mexico City. This conference developed a 10-year Plan of Action to address issues such as peace, political participation, education, health, employment, family, housing and social services for women. It was at this meeting that, for the first time, parallel NGO sessions were held concurrently with the official meetings of government representatives. Close to 4000 women from all over the world flew to "el D.F." to discuss best practices and strategies with fellow activists, and to lobby country delegations directly during the 10 days of official meetings.

Country delegations are formed by government officials and include two NGO liaisons who facilitate communication between the government and the NGO world. During the Conference, NGOs discuss issues in multiple focus sessions and re-group to conflate ideas in linkage meetings at the end of the day. NGOs also lobby government delegations in daily meetings coordinated by our NGO liaisons. We, students, are invited to as many meetings as we ▶

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have the energy to attend. Meeting fellow Canadian and foreign activists is also a matter of our own effort and volition. It is in this way that we, as students, have the opportunity to become an integral part of the lobbying process. By way of example, one of our Women's Caucus executive members, Natasha Himer (Law IV), attended last year's conference as one of the NGO liaisons of the Canadian Official Delegation.

The Commission's major achievement after Mexico includes the development of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) adopted by the General Assembly (GA) in 1979, which is often described as an International Bill of Rights for women. Another achievement was the Declaration of the UN Decade for Women (1976-85), as well as the creation of the UN Development Fund for Women (1976) and the UN International Research and Training Institute for Women (1982). A follow-up meeting in Copenhagen in 1980 brought together 7000 lobbyists and in 1985 in Nairobi the III World Conference on Women developed a new inter-governmental plan called Forward-Looking Strategies including a 15-year road map that would take us into the new Millennium. The Declaration on the Elimination of Violence against Women was another landmark text passed by the GA in 1994. Moreover, the new appointed position of a Special Rapporteur on violence against women to the Secretary-General was created. Radhika Coomaraswamy, who we were honored to have at the

Faculty of Law this fall, was the first appointee to this position. The IV World Conference on Women held in Beijing in 1995 accredited an unprecedented 30000 activists representing NGOs from all over the globe. Beijing produced the Platform for Action Declaration. In 2000, the Quinquennial review to the Platform for Action produced yet another document called the Outcome Document, or Beijing +5 document, and 2005 saw the Beijing+10 document, which the CSW is now responsible for implementing.

In attending this year's meeting and learning this history - of which I have just given you a gist - I was humbled to be a part, even if only a very tiny part, of the International Women's Movement. Activists from all over the world shared their knowledge and experiences from the field. I was inspired by this experience, which gave shape to my learning at the Faculty. I emphasize the importance of early exposure of young women to the workings of the UN system as an eye-opening career exploration. I cannot stress enough how important it is for students to be exposed to alternative law careers in practice. I applaud the initiative and effort of the Women's Caucus to continue to offer students this unique opportunity.

Some interesting issues/facts/success stories that were being pushed by the lobbyists (and some rambling thoughts too) were, in no particular order:

Representation of women in the ranks of the United Nations, including the

possibility of electing a woman as Secretary-General in 2006: women occupy only 37.1% of professional and higher positions in the organization and only 16.2% of Under-Secretaries General are women (as of June 2005.) Until this day no woman has been elected Secretary-General to the United Nations! A major obstacle to the nomination of women for the post is the lack of normative mechanisms to select candidates. In other words, the election of the Secretary-general is a political affair! It was argued that given the UN's stated commitment to increase women's visibility in the organization, the election of a woman as Secretary-General in 2006 would be an important step to honor such promise.

A long term personal hope, which was discussed in some panels: The possibility for inclusion of prostitution as a form of violence against women. It was agreed among most lobbyists that sexual workers were in the business by necessity rather than by choice. For this reason, the need to provide sexual workers with alternatives was emphasized. This problem shows the links between prostitution and poverty, not just individual poverty but also "structural poverty" or the inability or unwillingness of governments to address the causes of what on the surface seems a choice. Other examples of consequences of "structural poverty" are the booming labor migration or the human trafficking networks flowing from less to more industrialized countries.

A huge issue being pushed by lobbyists from day one was the "50/50 on the 50th

Session!!!" meaning representation of men and women of 50% in parliaments all over the world.

What can be learned from quota systems: Arni Hole, Director General in Norway's Ministry of Children and Equality impressed me for her energy and determination. She presented Norway's policy on equality, arguably the most aggressive yet successful policy in the world. Norway sees gender equality as a way to maximize human resources, thus not excluding a whole half of its human capital on the basis of sex. Norway's policy goals on equality aim at achieving equal representation of men and women in all sectors of society: policy, economy, culture, etc. Having seen that an even distribution of power between the sexes goes beyond political representation, Norway's government has taken active steps to promote women's representation in the economy through a system of quotas to be applied to all publicly owned enterprises and all public limited companies in the private sector. This system requires that both sexes be represented by at least 40% in all board of directors. This law is enforced through the threat of the Business register not allowing companies to register, and for companies already in existence, by the threat to dissolve the company by order of the court. This policy has worked well so far and has dramatically changed the boards of directors of Norwegian companies. Sweden and Finland will soon pass similar laws, and other European countries are studying this possibility. ►

The lessons to be learned from the quota system used by Norway? First, that every law needs a set of rules that must be supported by enforcement mechanisms; and second, that equality is a responsibility of Parliament. It is about time that Parliaments all over the world regain control of their economies.

The need for migrant workers to organize supra-national organizations in order to have their human rights respected in their countries of destination.

For more info on CSW:

<http://www.un.org/womenwatch/daw/csw/index.html>

For some appalling statistics on women's representation in the business sector in Canada, please visit this web address:

Catalyst:<http://www.catalystwomen.org/files/fact/2005%20Canada%20WBD%20fact%20sheet.pdf> ■

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OFF THE DEEP END

by Roman Picherack (Law I)

People generally think of law students as responsible, well-behaved young men and women. Sometimes we are even considered to be role models of some sort or another. We speak in elevated vocabulary and debate serious and critical issues confronting society. But every now and then a law school sheep strays from the law school fold or I mean flock, or whatever. Anyway, such a sheep was I when I ventured out into the void one Friday night at the LSA Med School function in honour of Hawaii I think. With an old friend in town and coming off a string of good luck and fortune, I couldn't help but dive into two or three or 12 pints of beer. Nor could I turn down the overtures of tequila and Jagermeister. What a disaster.

I think the good man Ernest

Hemingway said it best: "It seemed out of place to think of consequences during the Fiesta." (Incidentally everyone should read Hemmingway's classic, *The Sun Also Rises*. You should especially read it if you have ever lived in Paris, or if you like bullfighting, or if you like fishing, or if you like Fiestas) Well, consequences certainly were not on this young man's mind at the Hawaiiathon. But consequences there were. Apart from a minor loss of dignity and self-respect, I awoke with a black eye, a gash on the side of my head, a bloody shirt, a sore hip and a swollen knee. How any of these injuries occurred is a mystery to me, but I am told that the events which transpired involved some falling down stairs, random diving into snowbanks (actually cement ledges covered by a light dusting of snow) and a tussle with a

parking meter, which I lost. Super. What a moron.

I don't want to condone this type of behaviour. Quite the opposite, I think it is irresponsible and disgraceful. But law school can be a stressful place. Sometimes one has to cut loose, but not too loose. If anyone out there shares a similar story to mine, now I understand where you are coming from. Thanks to all the people who came up to me the following week and were able to laugh about things. For those of you who pass judgment, I have nothing to say, except maybe, relax. Thanks to all the girls who were willing to dance it up with the drunk guy. Sorry to any of you who I may have tried to kiss, or perhaps may have spilt beer on. Hey why didn't you let me kiss you anyway? Actually don't answer that. Thanks

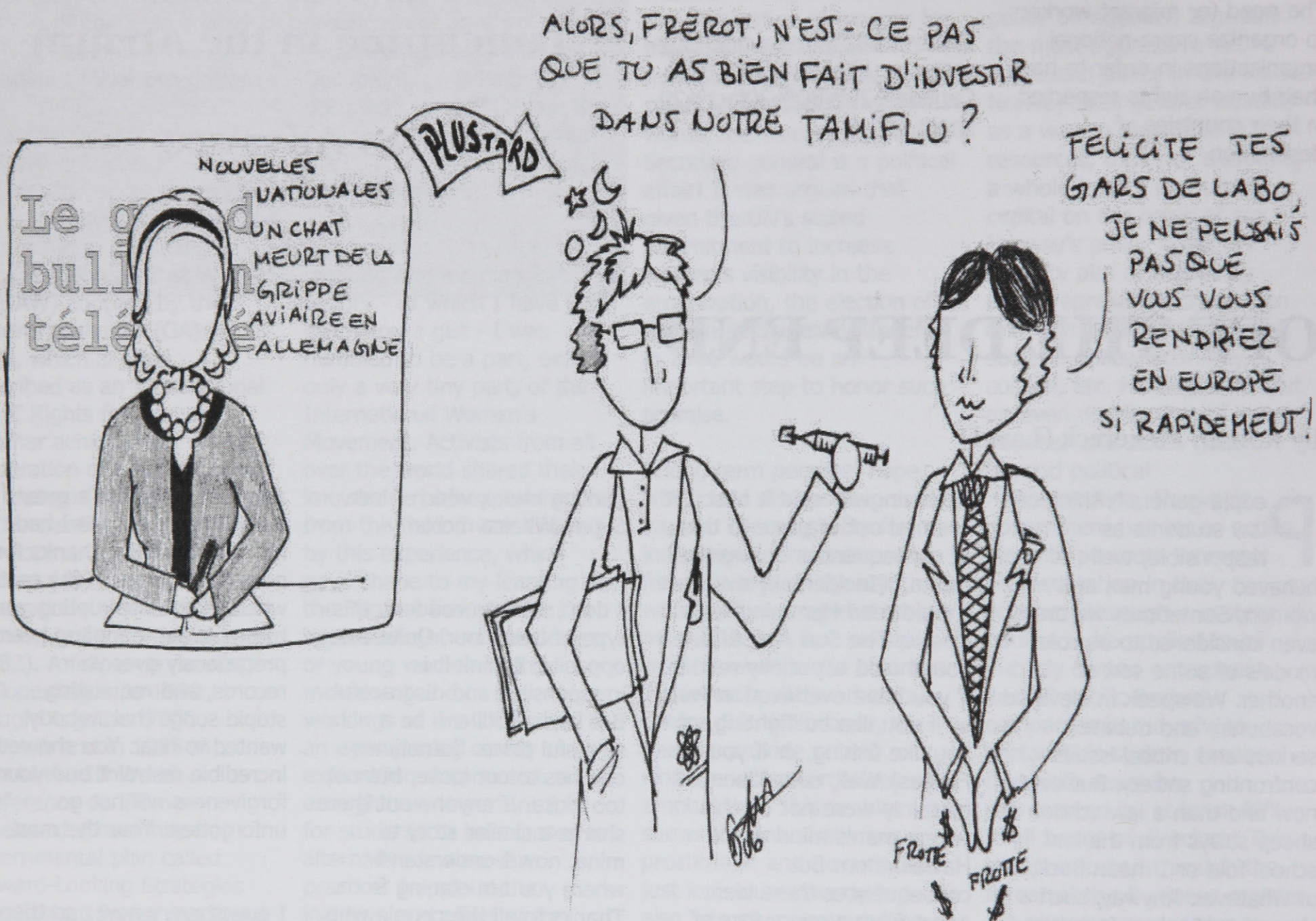
also to the LSA for a great party. People tell me I had fun. Finally, Ruby, thanks for not punching me in the teeth when I kept interrupting your turntable set, dangling beers precariously over your records, and requesting stupid songs that nobody wanted to hear. You showed incredible restraint and your forgiveness will not go forgotten. Your the man.

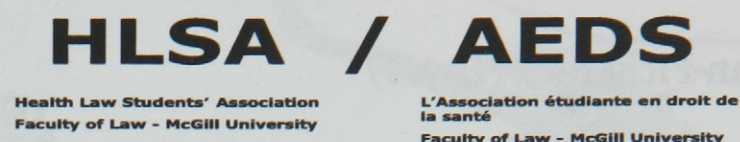
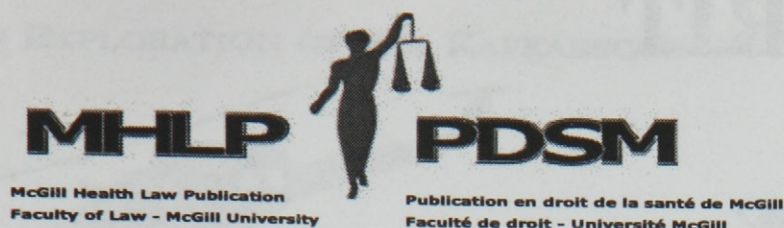
I guess every now and then a guy goes off the deep end. He's lucky if he only comes back with a few scrapes and bruises. ■

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LES AVENTURES DE CAPITAINE CORPORATE AMERICA

Par: Laurence Bich-Carrière (Law II)





Implementing *Chaoulli v. Quebec*: Opening the door to private health care?

The McGill Health Law Publication and the Health Law Student's Association are hosting a discussion panel around the changing face of health care in Canada since the June 2005 Supreme Court decision in *Chaoulli v. Quebec*.

Le groupe de discussion interdisciplinaire et bilingue abordera les recommandations émises par le gouvernement du Québec lors de la publication du rapport *Garantir l'accès: un défi d'équité, d'efficience, et de qualité*.

Panelists include:

Marie-Claude Prémont

Faculty of Law
McGill University

François Béland

Département d'administration de la santé
Université de Montréal

Prometheas Constantinides

Psychiatre, l'hôpital Louis-H. Lafontaine
Médecins pour l'accès à la santé

Christopher Manfredi

Department of Political Science
McGill University

Date: Wednesday, March 22, 2006

Time: 5pm to 7pm - Reception to follow

Location: Moot Court
Faculty of Law, McGill University
3644 Peel Street, Montreal QC

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www.healthlaw.mcgill.ca

IN LETTER AND IN SPIRIT

by Roman Picherack (Law I)

In his testimony last Wednesday, Andrew S. Fastow, former CFO of Enron, made this interesting statement:

"Within the culture of corruption that Enron had, that valued financial reporting rather than economic value, I believed I was being a hero."

Did he actually think, as a senior executive, that by manipulating and tinkering with financial statements in order to report profits and suppress liabilities in the short term he was doing a good thing? Unfortunately, I think his statement is genuine. I fear that he truly believed he was being a hero. Even scarier, perhaps this represents a wider malady of our present economic and corporate regulatory system, a system that seems focused on the most recent quarter's profits and a single bottom line.

A lot of people have been asking whether Enron, WorldCom, Parmalat, and other recent corporate scandals simply represent bad apples, or if the whole damn cart is rotten. I doubt that the majority of corporations today operate within a culture of corruption as extreme as the Enron and WorldCom examples. Certainly, there were clear breaches of the law, especially at Enron, where executives openly lied about products being marketed, reported outright

fabricated earnings estimates, dealt in insider trading on a massive scale, and engaged in widespread obstruction of justice, most notably in the form of Arthur Anderson's shredding of Enron documents by the truck load.

Yet, much of what went on at Enron, at least the stuff that caused the real damage, was not actually illegal per se. Using regulatory gaps and creatively exploiting the accounting and financial disclosure rules, Enron was able to keep billions of dollars of debt off balance sheets and magically make profits appear where there were none. This kept investors interested, and creditors willing to lend.

One way Enron did this was by creating special purpose vehicles (SPVs), or non-subsidiary subsidiaries, which allowed for off balance sheet financing. These were essentially subsidiaries in spirit, but by their extremely complicated ownership structures they fell outside the laws defining subsidiaries and requiring their finances to be consolidated with Enron's reporting. Enron created roughly 4300 of these. And guess where all of Enron's debts and obligations were hidden. Yup, in SPVs, which for the most part, Enron was not required to disclose. Creative compliance is what this is called: complying with the law in letter, yet blatantly betraying it in spirit.

And so the flaw lies perhaps

not with the present regulatory rules themselves, but with the very nature of a rule based system. One simply cannot draft rules for every situation, predicting all contingencies. There will always be holes in a regulatory system. Lawyers, accountants and tax wizards, being intelligent and crafty, but not always the most ethical of species, will work to exploit those gaps. They will find ways around them which serve their own and their clients interests, in the short term, often to the detriment of numerous other stakeholders interests. As Doreen McBarnet of Oxford University puts it, "new rules, even if they are fully resourced and uncompromised, can themselves prove inadequate simply because of the ability of the regulated to adapt to them."

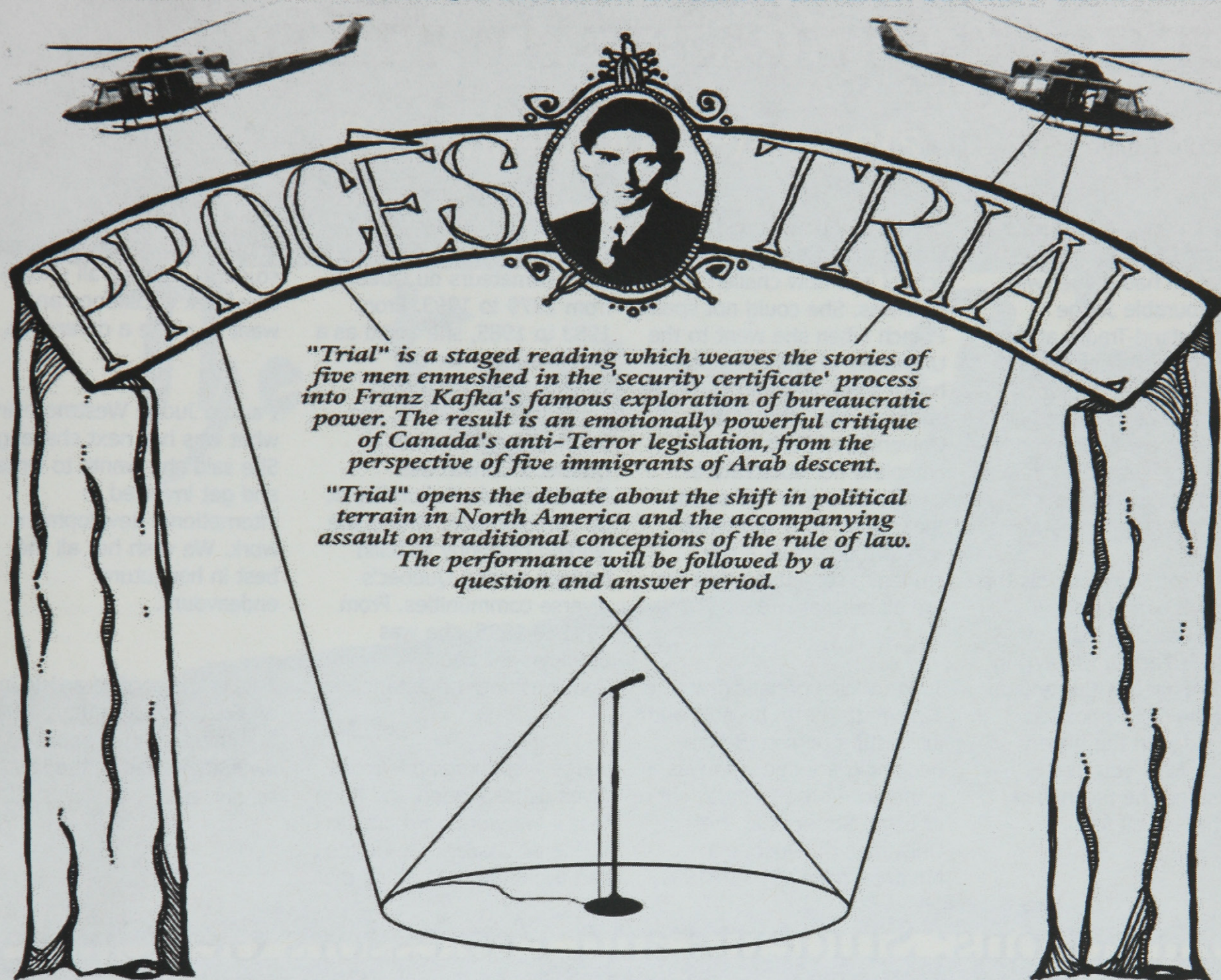
Rightfully so, there is a push for a new system of financial and accounting regulation, one not based solely on rules, but also on broad principles. Harvey Pitt, former SEC Chairman, has been a particularly vocal advocate of such a progression. Here is what he had to say in an interview with PBS Frontline on regulation of financial accounting services: "We're insisting that it move to a principles-based standard. It tells the accounting profession and public companies, 'Here's what the goal is. Here's what the purpose is. Don't tell me if

this complies with GAAP [generally accepted accounting principles]. Tell me whether we're meeting the goals of this."

The ramifications of the Enron scandal are well known: \$70 billion of shareholder value wiped away, 10s of billions of dollars of debts defaulted on, thousands of employees losing jobs and the value of their 401k retirement pensions vanishing into oblivion. But to what extent is the post-Enron market protected from this kind of financial disaster, if at all? US congress rushed to pass the Sarbanes-Oxley Act, hoping to separate the interest of auditors from the corporations they audit and clamp down on financial disclosure. Another simple checklist of rules to be complied with in letter only?

Without a change to a system based on broad corporate reporting ethical principles, and without a departure from a focus on profits in the next quarter, executives will continue to have an incentive to creatively comply with the regulatory framework while manipulating its very rules so as to maximize profits in the short term, keeping investors investing and lenders lending. And unfortunately, like Mr. Fastow, these executives may think they are heroes for doing so. ■

AN EXPLORATION OF THE KAFKAESQUE SITUATION INVOLVING CANADIAN SECURITY CERTIFICATES



"Trial" is a staged reading which weaves the stories of five men enmeshed in the 'security certificate' process into Franz Kafka's famous exploration of bureaucratic power. The result is an emotionally powerful critique of Canada's anti-Terror legislation, from the perspective of five immigrants of Arab descent.

"Trial" opens the debate about the shift in political terrain in North America and the accompanying assault on traditional conceptions of the rule of law. The performance will be followed by a question and answer period.

Based on an adaptation of Kafka by writer and social justice advocate Matthew Behrens and playwright and theatre director Laurel Smith, "Trial" premiered as a bilingual performance in Montreal last year.

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VIVE LA DIFFÉRENCE: DINNER WITH JUDGE WESTMORELAND-TRAORE

by Nicole Anthony (Law II)

In mid-January, members of the Black Law Students Association had dinner with the Honourable Judge Westmoreland-Traore at the Faculty Club. As she entered the dining room, everyone rose in silence to greet her. You could hear a pin drop. I think people were just in awe of her accomplishments.

Judge Westmoreland was the first Black dean of a law school (The University of Windsor's Faculty of Law) in Canada's history. Currently, she is the first appointed Black judge in the history of Quebec. Now you may understand the feelings of awe that we all felt.

During dinner, she told us stories about going to law school and how challenging that was. She could not speak French when she went to the University of Montreal: she had a steep learning curve. In addition, she went to the University of Paris to complete her doctorate in law. I remember her saying that it was early mornings and late nights as a law student - something that we are all familiar with.

Judge Westmoreland-Traore is a down to earth, humble and interesting person. Before becoming a judge, she was a professor in the Department of Legal Sciences at the Université du Québec à Montréal from 1976 to 1991,

and was a member of the Office de Protection des Consommateurs du Québec from 1979 to 1993. From 1983 to 1985, she acted as a Commissioner for the Canadian Human Rights Commission. In 1985, she became the first chair of Québec's Conseil des Communautés Culturelles et de l'Immigration, where she worked diligently to build bridges among Québec's diverse communities. From 1991 to 1995, she was Employment Equity Commissioner of Ontario.

Judge Westmoreland-Traore gives us inspiration and hope that if we work hard and tackle all challenges, we too can accomplish anything that

we want in life. She is not only an inspiration for Black students, but for all students who seek excellence and want to make a difference.

I asked Judge Westmoreland what was her next challenge. She said she wants to write and get involved in international development work. We wish her all the best in her future endeavours.

This is the second article in an Educational Equity Committee series about diversity issues at the law school. ■

Connections: Students and Professors Get Chatty

Interview by Ryan Anderson (Law II)

Professor Angela Campbell kindly agreed to this interview, musing about the elements of successful class participation, her degree, and the things that make her tick.

As a fellow student here put it, the academic/vocational divide is "the other transsystemia" happening here at McGill. How do you feel the balancing of these two elements is best achieved, especially if bringing these forces more to light can help relieve some of the anxiety people feel at school?

I don't know what theory is if we try to pull out theory from practice? I don't know what you're left with. Students should be best equipped with an understanding of the law's organization,

the vocational, practical side, but also an ability to think critically about it. I've heard students say McGill is too theoretical, and not technical enough. If theoretical means being analytic, well then I am quite happy about that. I just don't feel a satisfying career will be made memorizing rules.

Why not?

Law is not simply the mere application of rules. The positive law can be the anchor, the way that we start to understand what law looks like right now; but we also need to examine where this comes from, and whether law engages with who we are today. As lawyers, we need also to stop and think about whether law is doing violence

instead of justice and where we see that, to imagine new directions for law. My own understanding is that it is easy to know a rule, but developing the skill set to think creatively about how rules interconnect adds even more value. I worked in Toronto for a very short while, but found that the best and most highly respected lawyers had both discipline and creativity.

I am currently in your Family Law course and class participation is an important component to you. What elements are important for creating an atmosphere that encourages students to do so?

I feel that we must see the lighter side of things. We must work hard, take

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things seriously, but must remember that we should open up as well. I do hope to help students question the assumptions that they bring to class, and I find this requires a sense of being in a safe learning environment. This requires that I be aware of my reactions to things. I must always try to understand that there is some truth in any comment, that every position has a truth and rationale that needs to be explored further. I also try, and I think it helps, to create an egalitarian playing field that encourages dialogue between students as well. I am both trying to lead and facilitate. This safe environment also happens when students know each other, which is why I try to learn students' names. Group work helps perpetuate that, and also serves to get students to apply the law as well. Of course this is more difficult with my Wills & Estates classes, than with a course like Family Law; the passion is harder to garner! But good student engagement should always be possible, I think. I use a "panel" system that I hope works well with these types of classes.

health care rights and entitlements for children living in marginalized communities... What brought you to this topic, and what do some of these strategies look like?

This was an LLM degree. In my last year in school I took courses with Professors Van Praagh and Sheppard including Discrimination in the Law and Children in the Law. We read Martha Minow and explored her thinking about the role of the state in excluding or bringing in minorities and vulnerable groups, and I was fascinated. I wanted to work with Minow. My degree looked at different legal approaches to these efforts in the particular context of health-related rights for children. I looked at the statutory/policy approach (CA), the constitutional approach (South African), and a private relationships/rights approach (US context.) In the end, no matter what approach being used, the most marginalized kids are never quite able to participate as fully as more advantaged children.

Well I think it shows the limits of legal instruments and the need to rely on other resources. For example community outreach can play a huge role. Inclusive policies affecting the delivery of social services requires community outreach groups, community support, the dedication of people on the ground, doing the work, and a legal system that enables this.

How and why did you come to teaching?

I felt like the thing I like to do best is be a student, and this is the job where I can be a student, because I'm always learning! I have a quote here by F. Albrecht: "there is no more beautiful life than that as a student." Except when tuition goes up of course.

When and where are you happiest?

I'm happiest when I'm reading with my 2-year old, when I'm near the ocean, when I'm eating chocolate (not necessarily simultaneously).


During your graduate studies you examined legal strategies for securing

What did you take from this?

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